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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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KAU, STEVEN Y

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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07/19/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/768,023	<b>Applicant(s)</b> SAWADA, NOZOMI	
	<b>Examiner</b> STEVEN KAU	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 24,26-34,36-42 and 44-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24,26-34,36-42 and 44-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 2, 2010 has been entered.

### ***Response to Amendment***

2. This is in response to Applicant(s) arguments filed on 05/11/2010.

- The following is the current status of claims:

Claims 25, 35 and 43 have been cancelled. Claims 24, 26-34, 36-42 and 44-49 remain pending for examination, with claims 24, 26, 33, 34, 36, 41, 42, 44, and 49 being independent. Claims 24, 26, 33, 34, 36, 41, 42, 44 and 49 have been amended.

- Response to Remarks/Arguments:

(1) Applicant's arguments with regarding to claims 24-29 rejection under 112, first paragraph, page 12-14, Remarks/Arguments, 05/11/2010, have been fully considered and are persuasive. The rejections of claims 29-44 under 35 U.S.C. § 112 First Paragraph are withdrawn from the record.

(2) Applicant's arguments with respect to the rejection of claims 24-49 under 35 U.S.C. 102(b) and 103(a) have been fully considered but are moot in view of the new ground(s) of rejection due to the amendments.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24, 31, 34 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al (US 5,845,057) in view of Kakutani (US 6,817,794).

Regarding claim 24.

Takeda discloses an image forming apparatus comprising: a storage unit (**referring to Document Managing Table storage 420 of Fig. 12**) configured to store user-input setting information that indicates when not to print with a substitute recording medium when a size of a recording medium indicated by a print instruction is unavailable (**referring to Fig. 12, user-input instruction is stored in to the table specifying in substitutive paper for certain size of paper when it becomes unavailable, or invalid when indicated by print instruction, i.e. paper is depleted in Fig. 8, col 11, lines 24-35, and when print paper is depleted, and col 15, lines 39-50**);

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a processor (**referring to Controller 410 of Fig. 2 and Printer of Fig. 3, a processor is an inherent property of Printer and Controller**) configured to determine whether or not to use the substitute recording medium based on the user-input setting information (**referring to Fig. 20, Step 14 determines for substitutive printing in accordance with user's instruction, col 14, line 48 to col 15, line 10**), and to execute the print instruction by automatically changing a size of the recording medium indicated by the print instruction to the size of the substitute recording medium when the size of the recording medium indicated by the print instruction is not available and the user-input setting information causes the processor to print with the substitute recording medium (**i.e. "If the substitutive paper size is designated, the printing using the paper size is continued", col 15, lines 39-50; that is, the controller executes the printing when the substitute paper size is in place in accordance with user's instruction**); and a printing unit configured to print an image on the recording medium or the substitute recording medium as indicated by the processor (**i.e. "If the substitutive paper size is designated, the printing using the paper size is continued", col 15, lines 39-50 and step S19 of Fig. 20; that is to say, the printing unit is configured to print image on the substitute paper as controlled by the controller**).

Takeda does not disclose wherein after priming of a print job corresponding the prim instruction has begun, the processor is configured to regard the user-input setting information as invalid and to cause a same size of the recording medium or the substitute recording medium to be used for all of a plurality of pages in the print job corresponding to the print instruction.

In the same field of endeavor, Kakutani teaches wherein after priming of a print job corresponding the prim instruction has begun, the processor is configured to regard the user-input setting information as invalid (**referring to Fig. 7, Function Registration Judgment Unit 22 does validating/invalidating a user-input instruction, i.e. pressing a alternative print switch; that is to say, Judgment Unit 22 can invalidate a user instruction, col 8, line s 19-29**) and to cause a same size of the recording medium or the substitute recording medium to be used for all of a plurality of pages in the print job corresponding to the print instruction (**Katutani provides teachings of using alternative paper for printing when an initial paper becomes unavailable, i.e. referring to Fig. 1, and col 5, lines 16-27, and Fig. 3, col 7, lines 19-38**).

Prior art Takeda' 057 discloses a printing process method for a plurality of printing apparatus connected to a network, where user-input setting information regarding paper size and alternative size are stored in a memory, i.e. information is stored in to a document managing table 420, and determining whether or not alternative paper based on user-input setting information automatically changing paper size. Prior art Kakutani discloses a printing apparatus in which a judgment function is provided to invalidate a user-input instruction and to use alternative paper to continue printing process when the original specified paper becomes unavailable. Thus, both prior arts are in the same field of endeavor and combinable. Therefore, giving some teaching, suggestion, or motivation in the prior art, it would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

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Having an image forming apparatus of Takeda' 057 reference and then given the well-established teaching of Kakutani' 794 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image forming apparatus of Takeda' 057 reference to include "wherein after priming of a print job corresponding the prim instruction has begun, the processor is configured to regard the user-input setting information as invalid and to cause a same size of the recording medium or the substitute recording medium to be used for all of a plurality of pages in the print job corresponding to the print instruction" as taught by Kakutani' 794 reference. The motivation for doing so would have been to prevent any thoughtless and wrong instruction mistakenly entered by the user (col 8, lines 28-20, Kakutani), and to ensure the printing process can be carried on in an effective way, and further the disclosure provided could easily be established for one another with predictable results.

Regarding claim 31, of claim 24.

**Takeda discloses** wherein the processor is configured to stop printing when the size of the recording medium indicated by the print instruction is used for a first page of the print job and subsequently becomes unavailable (i.e. **"If the error detection portion 404 detects the occurrence of the depletion of paper having the size designated by the user, the following operation may be performed"**, col 36-38; that is, when the absence or unavailable or depletion of paper having the size specified by the user of specified paper size is detected, the printing is stopped because there is an error; then a serial operation is performed, i.e. error analysis, using substitutive medium, etc.).

Regarding claim 34.

Claim 34 is directed to an image forming apparatus which substantially corresponds to the operation of the device in claim 24, with identical features corresponding directly to the function of device elements in claim 24. Thus claim 34 is rejected as set forth above for claim 24.

Regarding claim 42.

Claim 42 is directed to a method of printing in an image forming apparatus which substantially corresponds to operation of the device in claim 24, with method steps directly corresponding to the function of device elements in claim 24. Thus, claim 42 is rejected as set forth above for claim 24.

5. Claims 27, 29, 37, 39, 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al (US 5,845,057) in view of Kakutani (US 6,817,794) as applied to claims 24, 34 and 42 above and further in view of de Koning et al (US 6,266,512).

Regarding claim 27, of claim 24.

Takeda does not disclose wherein the user-input setting information indicates a default size of the substitute recording medium.

However, in the same field of endeavor, de Koning teaches wherein the user-input setting information indicates a default size of the substitute recording medium (i.e. **“If input documents are of different size from the default substrate, then the printed image is often cropped or, alternatively, too small for the output**

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**substrate. It would be advantageous if the substrate bin default selection was automatically adjusted to select the bin with the substrate size that most closely corresponds in size to the input documents”; that is, user or an operator designated a default substrate with most closely corresponding size for printing. Thus, one skill in the art would use a default size in a substitutive printing apparatus for printing process, col 1, lines 14-45).**

Having an image forming apparatus of Takeda '057 reference and then given the well-established teaching of de Koning '512 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Takeda '057 reference by applying the known technique of " the user-input setting information indicates a default size of the substitute recording medium " as taught by de Koning '512 reference. The motivation for doing so would have been to improve the system throughput and thus to improve the productivity (col 9, lines 41-67, de Koning), and further the disclosure provided could easily be established for one another with predictable results.

Regarding claim 29, of claim 24.

Takeda does not disclose wherein the user-input setting information indicates that a size of the substitute recording medium is an available size nearest to the size of the recording medium indicated by the print instruction.

In the same field of endeavor, de Koning teaches wherein the user-input setting information indicates that a size of the substitute recording medium is an available size nearest to the size of the recording medium indicated by the print instruction (i.e. “It

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**would be advantageous if the substrate bin default selection was automatically adjusted to select the bin with the substrate size that most closely corresponds in size to the input documents”; that is, one skill in the art would choose the most closely corresponding size, or the nearest size of substrate or paper as substitutive medium when the desired paper size is run out, to prevent any data lost due to printing, col 1, lines 14-45).**

Having an image forming apparatus of Takeda '057 reference and then given the well-established teaching of de Koning '512 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Takeda '057 reference by applying the known technique of "the user-input setting information indicates that a size of the substitute recording medium is an available size nearest to the size of the recording medium indicated by the print instruction" as taught by de Koning '512 reference. The motivation for doing so would have been to improve the system throughput and thus to improve the productivity (col 9, lines 41-67, de Koning), and further the disclosure provided could easily be established for one another with predictable results.

Regarding claim 39, of claim 34.

Claim 39 is directed to an image forming apparatus which substantially corresponds to the operation of the device in claim 29, with identical features corresponding directly to the function of device elements in claim 39. Thus claim 39 is rejected as set forth above for claim 29.

Regarding claim 45, of claim 42.

Claim 45 is directed to a method of printing in an image forming apparatus which substantially corresponds to operation of the device in claim 27, with method steps directly corresponding to the function of device elements in claim 27. Thus, claim 45 is rejected as set forth above for claim 27.

Regarding claim 47, of claim 42.

Claim 47 is directed to a method of printing in an image forming apparatus which substantially corresponds to operation of the device in claim 29, with method steps directly corresponding to the function of device elements in claim 29. Thus, claim 47 is rejected as set forth above for claim 29.

6. Claims 28, 32, 38 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al (US 5,845,057) in view of Kakutani (US 6,817,794) as applied to claims 24, 34 and 42 above and further in view of Shukunami et al (US 5,031,116).

Regarding claim 28, of claim 24.

Takeda does not disclose wherein the user-input setting information indicates that a size of the substitute recording medium is larger in size than the size of the recording medium indicated by the print instruction.

However, in the same field of endeavor, Shukunami teaches wherein the user-input setting information indicates that a size of the substitute recording medium is larger in size than the size of the recording medium indicated by the print instruction (i.e. **“if an image formation request corresponding to the ST size is received, and**

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**the paper P of the ST size is not present, paper P of ST, LG, or LD size, larger than the paper of the ST size, may be used as a substitute”; col 13, lines 54-58).**

Having an image forming apparatus of Takeda '057 reference and then given the well-established teaching of Shukunami '116 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Takeda '057 reference by applying the known technique of "the user-input setting information indicates that a size of the substitute recording medium is larger in size than the size of the recording medium indicated by the print instruction" as taught by Shukunami '116 reference. The motivation for doing so would have been to improve the image reproduction quality by preventing any data lost in printing (col 1, lines 51-61, Shukunami), and further the disclosure provided could easily be established for one another with predictable results.

Regarding claim 32, of claim 28.

Takeda discloses wherein the processor is configured to restart printing when one or more recording media of the size indicated by the print instruction is provided **(referring to Figs. 12 and 20, “If the substitutive paper size is designated, the printing using the paper size is continued”, col 15, line 39-50).**

Regarding claim 38, of claim 34.

Claim 38 is directed to an image forming apparatus which substantially corresponds to the operation of the device in claim 28, with identical features corresponding directly to the function of device elements in claim 28. Thus claim 38 is rejected as set forth above for claim 28.

Regarding claim 46, of claim 42.

Claim 46 is directed to a method of printing in an image forming apparatus which substantially corresponds to operation of the device in claim 28, with method steps directly corresponding to the function of device elements in claim 28. Thus, claim 46 is rejected as set forth above for claim 28.

7. Claims 30, 40 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al (US 5,845,057) in view of Kakutani (US 6,817,794) as applied to claims 24, 34 and 42 above and further in view of Yoshida (US 5,917,612).

Regarding claim 30, of claim 24.

Takeda does not disclose wherein the user-input setting information indicates that a size of the substitute recording medium is A4 when the size of the recording medium indicated by the print instruction is letter.

However, in the same field of endeavor, Yoshida teaches wherein the user-input setting information indicates that a size of the substitute recording medium is A4 when the size of the recording medium indicated by the print instruction is letter (i.e. **“a case where A4 size is transmitted as the regular format paper size transmission if the length in the main scanning direction is 216 mm, the letter size may be considered as the regular format paper size”**; col 21, lines 58-62 and **“instruction whether or not the transmission with the regular format paper size is selected is considered. However, as the regular format paper having the main scanning directional length of 216 mm, there are A4 size (210 mm x 297 mm), letter size**

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**(216 mm.times.279 mm) and legal size (216 mm.times.256 mm)", col 23, lines 42-49; one skill in the art would set information to indicate to use A4 as a substitutive medium for letter size medium because the size of A4 is a most closest corresponding to the letter size).**

Having an image forming apparatus of Takeda '057 reference and then given the well-established teaching of Shukunami '116 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Takeda '057 reference by applying the known technique of " wherein the user-input setting information indicates that a size of the substitute recording medium is A4 when the size of the recording medium indicated by the print instruction is letter " as taught by Shukunami '116 reference. The motivation for doing so would have been to improve the image reproduction quality to preventing any data lost in printing by using similar medium size in printing (col 1, lines 51-61, Shukunami), and further the disclosure provided could easily be established for one another with predictable results.

Regarding claim 40, of claim 34.

Claim 40 is directed to an image forming apparatus which substantially corresponds to the operation of the device in claim 30, with identical features corresponding directly to the function of device elements in claim 30. Thus claim 40 is rejected as set forth above for claim 30.

Regarding claim 48, of claim 30.

Claim 48 is directed to a method of printing in an image forming apparatus which substantially corresponds to operation of the device in claim 30, with method steps

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directly corresponding to the function of device elements in claim 30. Thus, claim 48 is rejected as set forth above for claim 30.

8. Claims 33, 41 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al (US 5,845,057) in view of Hattori (US 6,512,599).

Regarding claim 33.

Takeda teaches the claim limitation discussed in claim 24.

Takeda does not disclose wherein after printing of a print job corresponding to the print instruction has begun, the processor is configured to not change a size of the recording medium indicated by the print instruction to the size of the substitute recording medium even if the user-input setting information would cause the processor to print with the substitute recording medium.

In the same field of endeavor, Hattori teaches wherein after printing of a print job corresponding to the print instruction has begun, the processor is configured to not change a size of the recording medium indicated by the print instruction to the size of the substitute recording medium even if the user-input setting information would cause the processor to print with the substitute recording medium (**referring to Fig. 11, Step S1030 determining whether or not the size is matched with the paper size in tray 1, if it is positive, the tray 1 paper is supplied and printing step S430 is executed, col 22, lines 35-45; that is to say, no change in paper size for printing**).

Prior art Takeda' 057 discloses a printing process method for a plurality of printing apparatus connected to a network, where user-input setting information

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regarding paper size and alternative size are stored in a memory, i.e. information is stored in to a document managing table 420, and determining whether or not alternative paper based on user-input setting information automatically changing paper size. Prior art Hattori discloses a facsimile transmission system of Fig. 1 and a printing apparatus of Fig. 2(a) in which a process step determines whether or not the specified paper size is matched for printing. Thus, both prior arts are in the same field of endeavor and combinable. Therefore, giving some teaching, suggestion, or motivation in the prior art, it would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

Having an image forming apparatus of Takeda' 057 reference and then given the well-established teaching of Hattori' 599 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image forming apparatus of Takeda' 057 reference to include "wherein after printing of a print job corresponding to the print instruction has begun, the processor is configured to not change a size of the recording medium indicated by the print instruction to the size of the substitute recording medium even if the user-input setting information would cause the processor to print with the substitute recording medium" as taught by Hattori' 599 reference. The motivation for doing so would have been to prevent image data misprints, and further the disclosure provided could easily be established for one another with predictable results.

Regarding claim 41.

Claim 41 is directed to an image forming apparatus which substantially corresponds to the operation of the device in claim 33, with identical features corresponding directly to the function of device elements in claim 33. Thus claim 41 is rejected as set forth above for claim 33.

Regarding claim 49.

Claim 49 is directed to a method of printing in an image forming apparatus which substantially corresponds to operation of the device in claim 33, with method steps directly corresponding to the function of device elements in claim 33. Thus, claim 49 is rejected as set forth above for claim 33.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 26, 36 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeda et al (US 5,845,057).

Regarding claim 26.

Takeda discloses an image forming apparatus comprising: a storage unit (**referring to Document Managing Table storage 420 of Fig. 12**) configured to store user-input setting information that indicates when not to print with a substitute recording medium when a size of a recording medium indicated by a print instruction is unavailable

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(referring to Figs. 12 and 19, user-input instruction is stored in to the table specifying in substitutive paper for certain size of paper when it becomes unavailable, or invalid when indicated by print instruction, i.e. paper is depleted in Fig. 8, col 11, lines 24-35, and when print paper is depleted, and col 15, lines 39-50); a processor (referring to Controller 410 of Fig. 2 and Printer of Fig. 3, a **processor is an inherent property of Printer and Controller**) configured to determine whether or not to use the substitute recording medium based on the user-input setting information (referring to Fig. 20, **Step 14 determines for substitutive printing in accordance with user's instruction, col 14, line 48 to col 15, line 10**), and to execute the print instruction by automatically changing a size of the recording medium indicated by the print instruction to the size of the substitute recording medium when the size of the recording medium indicated by the print instruction is not available and the user-input setting information causes the processor to print with the substitute recording medium (i.e. **"If the substitutive paper size is designated, the printing using the paper size is continued"**, col 15, lines 39-50; that is, the controller executes the printing when the substitute paper size is in place in accordance with user's instruction); and a printing unit configured to print an image on the recording medium or the substitute recording medium as indicated by the processor (i.e. **"If the substitutive paper size is designated, the printing using the paper size is continued"**, col 15, lines 39-50 and step S19 of Fig. 20; that is to say, the printing unit is configured to print image on the substitute paper as controlled by the controller), wherein the processor is configured to cause a same size of the recording

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medium or the substitute recording medium to be used for all of a plurality of pages in a print job corresponding to the print instruction (**referring to Figs 19 and 20, “If the substitutive paper size is designated, the printing using the paper size is continued”, that is, the printing process of using substitutive paper is continued; col 15, lines 39-50).**

Regarding claim 36.

Claim 36 is directed to an image forming apparatus which substantially corresponds to the operation of the device in claim 26, with identical features corresponding directly to the function of device elements in claim 26. Thus claim 36 is rejected as set forth above for claim 26.

Regarding claim 44.

Claim 44 is directed to a method of printing in an image forming apparatus which substantially corresponds to operation of the device in claim 26, with method steps directly corresponding to the function of device elements in claim 26. Thus, claim 44 is rejected as set forth above for claim 26.

**CONTACT INFORMATION**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Kau whose telephone number is 571-270-1120 and fax number is 571-270-2120. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Steven Kau/  
Examiner, Art Unit 2625  
July 13, 2010

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625